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PATENT  
Attorney Docket 045636-5033

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: **Nguyen, Q. T. et al.** )  
Application No. **09/555,640** ) Group Art Unit: **1648**  
Filed: **August 10, 2000** ) Examiner: **Parkin, J.**  
For: **Erythrovirus and Its Applications** )

U.S. Patent and Trademark Office  
Customer Service Window  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

TRANSMITTAL FORM

- Transmitted herewith is an Amendment and Response to Second Restriction Requirement in response to the non-final Office Action dated December 2, 2004.
- Extension of Time: The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply. Applicants petition for a three-month extension of time from January 2, 2005 to April 2, 2005, the fee for which is **\$1,020.00** as set out in 37 C.F.R. § 1.17(a). The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 C.F.R. § 1.16 and § 1.17, or credit any overpayment to Deposit Account 50-0310. This request is being filed under the next business day rule on Monday, April 4, 2005, as the due date for responding fell on a Saturday (April 2, 2005).
- Fee Calculation (37 C.F.R. § 1.16):

CLAIMS AS AMENDED						
	Remaining		Previously Paid	Extra	Rate	Total Fees
Total Claims	35	minus	35	0	\$50.00 each=	0.00
Independent Claims	5	minus	5	0	\$200.00 each=	0.00
First presentation of Multiple dependent claim					\$360.00	0.00
Sub-total =						0.00
Reduction by ½ for filing by a small entity						0.00
Total Fee =						0.00

- Fee Payment: The Commissioner is hereby authorized to charge **\$1,020.00** to Deposit Account No. 50-0310 for payment of the three-month extension of time fee.

5. Constructive Petition: **Except** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. § 1.16 and § 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **constructive petition for extension of time** in accordance with 37 C.F.R. § 1.136(a)(3).

Dated: **April 4, 2005**

Morgan, Lewis & Bockius LLP

Customer No. **09629**

1111 Pennsylvania Avenue, N.W.

Washington, D.C. 20004

202-739-3000

Respectfully submitted,

**Morgan, Lewis & Bockius LLP**



Suzanne E. Ziska, Ph.D.

Registration No. 43,371



PATENT  
Attorney Docket No. 045636-5033-US

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Application No. <b>09/555,640</b>	)	Group Art Unit: <b>1648</b>
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Filed: <b>August 10, 2000</b>	)	Examiner: <b>Parkin, J.</b>
	)	
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**AMENDMENT AND RESPONSE TO SECOND RESTRICTION REQUIREMENT**

In response to the Office Action dated December 2, 2004, the period for response to which having been extended from January 2, 2005 to April 2, 2005 with the accompanying petition for a three-month extension of time, please amend this application as follows. April 2, 2005 is a Saturday, and therefore, this amendment and response is timely filed the next business day, Monday, April 4, 2005.

**The listing of the claims** begin on page 2 of this paper.

**Remarks and arguments** begin on page 10 of this paper.

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